

IMPORTANT DIRECTIONS OF HON. MP HIGH COURT FOR TRIBUNALS, QUASI JUDICIAL FORA, AUTHORITIES IN M.P.

IN WAKE OF SECOND COVID WAVE



1. Background: - Following the onset of second Covid wave, The Hon. MP High Court took Suo motu cognizance of the extraordinary situation. The Hon. Court observed that considering the spike in Coronavirus cases, situation is not likely to be normal in next few weeks and resumption of normalcy in the State would take some time.

The Hon. court further observed that The State Government had imposed lockdown in almost all major cities of the State and also the State Government in its order issued on 20.4.2021 required **all the Government offices** to function with only 10% staff members up to 30.4.2021, however with the exception of offices pertaining to essential services.

Therefore the Hon. M.P. Court to ensure that the citizens of the State and the litigants in particular do not suffer invoked its extraordinary powers and issued certain directions through its order in **[In Reference (Suo Motu) vs. Union of India and others] M.P H.C W.P. No. 8820/2021 order Dated 23.04.2021**

2. Directions Issued by Hon. M.P HIGH COURT

- (i) That **all the interim orders/directions** issued or protection granted including any order requiring any compliance by the parties to such proceedings, passed by this Court or any other Court sub-ordinate to it or any Family Court or Labour Court or **any Tribunal** or any other Judicial or **Quasi-Judicial forum in the State of Madhya Pradesh**, over which this Court has power of superintendence, which were **subsisting as on 10th March, 2021, shall stand extended till 15th June, 2021; (Emphasis Supplied)**
- (ii) That it is further directed that the interim orders or directions of this Court or any Court sub-ordinate to this Court in the State, which are not of a limited duration and were meant to operate till further orders, shall continue to remain in force until modified/alterd/vacated by specific order of the Court concerned in a particular case;
- (iii) That **the time for filing of written-statement** or **return in any Suit or proceeding** pending **before** any Civil Court or **any other forum**, unless specifically directed, **shall stand extended till 15th of June, 2021**. It is however

clarified that this will not preclude the parties from filing such written-statement or return before 15th June, 2021; **(Emphasis Supplied)**

- (iv) That it is further directed that the orders of eviction, dispossession, demolition, etc. passed by this Court or any Court subordinate to it or any Tribunal or Judicial or Quasi-Judicial forum, which have so far remained unexecuted, shall remain in abeyance till 15th of June 2021;
- (v) That interim protection given in the anticipatory bail applications by the High Court or Court of Sessions for a limited period, which has expired or is likely to expire on any date after 10th March, 2021, shall stand extended till 15th of June, 2021. However, any party aggrieved by the conduct of the accused on such interim protection, may move the Court in seisin over the matter for discontinuation of such interim protection, if any prejudice is caused to him/her, in which event, the Court concerned shall be entitled to take independent view of the matter;
- (vi) That all the interim bail granted under Section 439, Cr.P.C. by the High Court or Courts of Sessions, limited by time-frame specifying an expiry on any date after 10th March 2021, shall stand extended till 15th June, 2021, subject to the accused not abusing such liberty or else it may be cancelled at the instance of the State or the complainant, on application with adequate proof of the abuse of the liberty so granted by the Court concerned;
- (vii) That parole granted to a person any time after 9th March, 2021 by order passed by a Court exercising the criminal jurisdiction and limited by time-frame specifying an expiry date, shall stand extended till 15th of June, 2021, subject to the condition specified in Point No.(vi) above;
- (viii) That unless there is necessity of arrest for maintenance of law-and-order situation, in a cognizable offence prescribing sentence up to seven years imprisonment, the police shall desist from arresting the accused up to 15th of June, 2021, without complying with the provision of Section 41A, Cr.P.C. This however may not be understood as an interdict on the power of the police to arrest, but should only be considered mere advisory in the face of the ongoing crisis following second wave of Coronavirus;
- (ix) That the State Government or any of its Department or any Municipal Corporation / Council / Board or any Gram Panchayat or any other local body or any other agency and instrumentality of the State shall not take any action for eviction and demolition in respect of any property, over which a citizen or person or party or any Body Corporate, has physical or symbolic possession as on today till 15th June, 2021;

- (x) That it is further directed that, **any Bank or Financial Institution** shall not take **action for auction** in respect of **any property of any** citizen or **person** or party or any Body corporate till 15th June, 2021; **(Emphasis Supplied)**
- (xi) That if the Government of Madhya Pradesh and/or any of its Department and/or functionaries, **Central Government and/or its departments or functionaries** or any Public Sector Undertakings or any Public or Private Companies **or any Firm or any individual or person is/are**, by the order of this Court or any Court subordinate to it **or the Tribunals, required to do a particular thing or carry out certain direction in a particular manner, in a time frame, which has expired after 10th March or is going to expire at any time from now up to 15th June, 2021, the time for compliance of such order shall stand extended up to 15th June, 2021**, unless specifically directed otherwise by the Court concerned;**(Emphasis Supplied)**
- (xii) That in order to dispel any ambiguity, it is clarified that: -
- (a) those interim orders / directions, which are not for a limited duration and are to operate until further orders, shall by this order remain unaffected;
- (b) that, in case extension of interim order(s) as per the present order passed by this Court, causes any undue hardship and prejudice of any extreme nature, to any of the parties to such proceeding(s), such parties would be at liberty to seek appropriate relief by moving appropriate application(s) before the Competent Court(s), **Tribunal**, Judicial or **Quasi-Judicial Forum**, and these directions shall not be taken as a bar for such Courts/Forums to consider such application(s) filed by the aggrieved party, on its own merit, after due notice and providing opportunity of hearing to the other side;**(Emphasis Supplied)**
- (c) that the directions enumerated above shall not preclude the State from moving appropriate application for vacation/modification of such order in any particular case for reason of overriding public interest;
- (d) **that all** Courts, **Tribunals, Judicial and Quasi-judicial authorities** are **directed to abide by these directions**, and the parties seeking relief(s) covered by these directions can file hard copy or soft copy of this order before the competent court/forum, which shall be given due weightage. **(Emphasis Supplied)**

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